

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAY 21 '08 MJ 1584

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Tirana Habana Fidelia ARCE-Preciado**  
**AKA: Fidelia ARCE-Preciado**

Defendant.

Magistrate Case No. \_\_\_\_\_

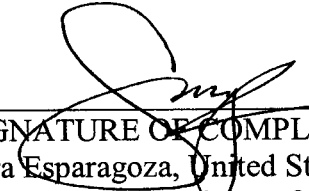
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-  
Bringing in Illegal Alien(s) for  
Financial Gain

Title 18, U.S.C., Section 2-  
Aiding and Abetting

The undersigned complainant being duly sworn states:

On or about **May 20, 2008**, within the Southern District of California, defendant **Tirana Habana Fidelia ARCE-Preciado AKA: Fidelia ARCE-Preciado**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Guadalupe AVENDANO-Nunez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **21st** day of **May** 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Guadalupe AVENDANO-Nunez**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and she is material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **May 20, 2008** at approximately **12:30 PM**, **Tirana Habana Fidelia ARCE-Preciado AKA: Fidelia ARCE-Preciado (Defendant)** applied for admission to the United States through the Otay Mesa Port of Entry as the driver of a blue Ford LTD sedan. Defendant was accompanied by two visible female passengers. Defendant presented three DSP-150 Laser Visa cards bearing the names Esperanza Ponce de Gonzalez, Juana Perez Gomez and Lidia Apodaca Sanchez on behalf of herself and the two passengers. The Customs and Border Protection (CBP) Officer received a negative customs declaration from Defendant who also stated that they were going shopping. The CBP Officer noticed Defendant and her passengers were impostors to the documents presented. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, Defendant and the two passengers were confirmed to be impostors to the documents presented. Defendant and the two female passengers were determined to be citizens of Mexico without legal documents to enter the United States. One of the passengers was held as a Material Witness and is now identified as: **Guadalupe AVENDANO-Nunez (Material Witness)**.

During a videotaped proceeding, Defendant was advised of her Miranda Rights. Defendant acknowledged her rights and elected to answer questions without an attorney present. Defendant stated she had knowledge that the document she presented belonged to another person and that she has no legal documents to legally enter the United States. Defendant admitted an unknown man working for "Johnny" provided her with the DSP-150 Laser Visa card she presented as her own and the vehicle. Defendant also stated "Johnny" informed her she would be driving the vehicle with Material Witness into the United States. Defendant admitted she had knowledge Material Witness did not have legal documents to enter the United States. Defendant also admitted Material Witness was going to pay between \$4000.00 and \$4500.00 (USD) to be smuggled into the United States. Defendant stated she thought she was being charged a reduced smuggling fee of \$3200.00 USD because she was driving the vehicle. Defendant stated she was instructed to drive the vehicle across the border and once in the United States she would be approached by another vehicle on the freeway to receive further instructions.

A videotaped interview was conducted with Material Witness. Material Witness stated she is citizen of Mexico without legal documents to lawfully enter or reside in the United States. Material Witness stated she made arrangements with an unknown man in Tijuana and was to pay \$3500.00 USD to be smuggled into the United States. Material Witness stated she intended to travel to Anaheim, California to seek employment.